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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Seventeenth session

SUMMARY RECORD OF THE 30th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 18 November 1997, at 3 p.m.

Chairperson: Mr. ALSTON

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Second periodic report of the Dominican Republic (continued) (E/1990/6/Add.7; E/C.12/1995/LQ.7; E/C.12/1/Add.6)

1. At the invitation of the Chairperson, the delegation of the Dominican Republic took places at the Committee table.

Paragraphs 13 and 14 of the preliminary concluding observations (E/C.12/1/Add.6)

2. Ms. SABATER de MACARRULLA (Dominican Republic) said that her delegation recognized the existence of the problem of the migratory movements of the Haitian population, but wished to assure the members of the Committee that the Government of the Dominican Republic was sparing no effort to resolve the problem. Three commissions had thus been set up: the Dominican-Haitian Commission, entrusted in particular with dealing with the problem of nationality, and two other commissions charged, respectively, with modernization of the State and reform of the Constitution (including the introduction of the referendum). The Government was also taking other steps to prevent the problem from becoming worse, but more significant measures would be adopted once those commissions had reached decisions in consultation with the public.

3. Mrs. JIMENEZ BUTRAGUEÑO said that she would like some clarification about the arrangements made by the authorities to ensure family reunification. Were there, as in Spain, administrative or other obstacles which meant that children were separated from their parents?

4. Ms. SABATER de MACARRULLA (Dominican Republic) said that her delegation shared Mrs. Jimenez Butragueño's concerns, but the Dominican Republic unfortunately did not currently have available to it any statistics or reports on the matter. She could nevertheless confirm that separation concerned only the adults and that, in the bateyes, children were not generally separated from their mothers. That was a priority issue and the authorities had already taken - and were continuing to take - various legislative measures in that field (adoption of the Minors' Code, for example) and had put in place programmes to assist families, although their action was limited by the shortage of financial resources and the size of the public debt. The situation was, however, gradually improving.

5. Thanking Ms. Sabater de Macarrulla for her explanation, the CHAIRPERSON invited the delegation to answer the other questions which had been asked earlier.

6. Mr. LANDOLFI (Dominican Republic) said that there was a real willingness in his country to deal with the migration problem and related issues, but that goal could not be achieved overnight in the view of the sizeable and

long-standing public debt. The change in government policy was a very positive development, and the problem of the Haitians was being given serious consideration by both countries.

Paragraph 15

7. On the question of discrimination against Blacks Ms. SABATER de MACARRULLA (Dominican Republic) said that the phenomenon formed part of a particular political context, but in practice there was no racial discrimination in the Dominican Republic. Marriages and schools were mixed, there was no segregation in the field of employment or in politics (as witnessed, for example, by the fact that the opposition leaders were Black), people of all colours could be seen on television and there was perfect harmony between the various communities. If there were any form of discrimination, the Government would take energetic steps to combat it.

Paragraph 16

8. Regarding the corruption of judges, she confirmed that corruption had been a significant phenomenon in the Dominican Republic, both in the public and in the private sectors, and that the judiciary had been most particularly concerned. Various steps had been taken to fight corruption, and a new Supreme Court, whose members had been selected by the Dominican people as a whole through an interactive television programme, had thus been created. The Court was now selecting judges - again with the participation of civil society - to help improve the operation of the justice system in general.

Paragraph 17

9. Regarding the low level of budgetary resources devoted to education, she said that the authorities intended to increase spending on education significantly over the coming four years. Notwithstanding the current shortage of financial resources, the authorities had completed the construction of schools started some years previously in rural areas, had equipped classrooms and introduced computers in many public institutions, both in the capital and elsewhere in the country. It should also be pointed out that, with the reform of the school canteen system and the lending of books to children, attendance at educational institutions had increased to such an extent that the country now actually lacked classrooms. Education was, therefore, one of the Government's priorities, as too was health. The hospitals in Santo Domingo had been improved, doctors had been appointed in rural clinics and the salaries of teachers and medical staff had been considerably increased.

10. Concerning the increase in the remuneration of teachers, Mr. GRISSA asked whether their salaries had risen faster than inflation; if not, that would mean that teachers' purchasing power had declined.

11. Mr. RIEDEL said that he was reasonably satisfied with the reply given by the delegation concerning paragraph 17, but would like to have figures on the improvements made in the school system.

12. Reverting to paragraph 16, Mr. ADEKUOYE asked whether complaints procedures had been included in the current reform of the judicial system.

13. In reply to Mr. Adekuoye, Mr. LANDOLFI (Dominican Republic) said the Supreme Court had for many years been able to punish any form of abuse committed by a judge in the exercise of his functions, and there was greater transparency in the country's new judicial system.

14. As to the question of remuneration, all salaries had been increased in the public service, particularly those for Cabinet ministers, who had been driven towards corruption by their extremely low pay. In the private sector, a consensus-based policy generally enabled workers and employers to reach a compromise on what was being asked and what was granted. The minimum wage, which varied in amount depending on many parameters, such as the sector of activity or the geographical region, had been raised considerably by the most recent agreement concluded between workers and employers. The inflation rate fluctuated between 9 and 10 per cent. The macroeconomic policy pursued by the Government in that regard was exemplary. The Government was keeping petrol prices high, despite public discontent, in order to absorb part of the external debt.

15. The CHAIRPERSON, following up on Mr. Riedel's comments, said it was important for the delegation to provide statistical data so that the information given would be more meaningful and enable the members of the Committee to draw more accurate conclusions.

16. Referring to the written replies of 1995, which had mentioned a 15 per cent inflation rate, Mr. GRISSA said he would like to know whether inflation had really been brought down to 9 per cent in the space of two years, as indicated by the delegation. He would also appreciate more specific information about the nature of the increase in the minimum wage.

17. Mr. RIEDEL expressed concern about the fact that, as stated in paragraph 17, State expenditures on education and training as a proportion of total public expenditure represented less than half of the average for Latin America. He would like the delegation to provide more figures concerning public spending on education. What were the estimates for 1998 and had the situation improved?

18. Mr. LANDOLFI (Dominican Republic), reverting to the Chairperson's comment on the minimum wage, acknowledged that the statistics provided did not always meet international standards. The minimum wage had actually been increased following an agreement between workers and employers, but the drought and consequent shortages had cancelled out the increase, with the result that the minimum wage was not enough to cover all needs.

19. Ms. SABATER de MACARRULLA (Dominican Republic) said that the delegation did not have any additional figures on education but would supply them as soon as possible. The President of the Republic had, however, called for the share of spending on education to be raised to 20 per cent of the national budget. In the new budget, therefore, the resources allocated to that sector had been doubled.

20. Mr. LANDOLFI (Dominican Republic) said that, under an ambitious presidential programme, each school in the country was to be equipped with at least one computer. The official aim of the authorities, moreover, was for all schoolchildren to be initiated in the use of computers. That marked an important step forward in the realization of cultural rights and would have positive effects on the social and economic life of young people.

21. Mr. WIMER said that he would like to know the rate of inflation and what statistics were used to determine the wage increases granted to workers in the public and private sectors. More precise information on the nature and extent of those increases would give a better idea of the social situation in the country.

22. Ms. SABATER de MACARRULLA (Dominican Republic) said that, according to the most recent Central Bank report, the inflation rate was below 10 per cent. While the macroeconomic situation was good, the country faced two major challenges, namely the public debt and the hopes raised by the coming to office of the new Government. The preceding Government had left an enormous internal debt, a problem that the new administration had pledged to resolve. Despite the increases, the minimum wage was obviously still insufficient, but the new budget did not provide for an increase, except in sectors considered essential.

23. Mr. LANDOLFI (Dominican Republic) said that the issue of the minimum wage had given rise to a very interesting debate centering on whether wages should again be increased, at the risk of forcing some enterprises to close, or whether the minimum wage should be kept at the current level to protect jobs. Many trade union leaders had favoured the second option.

Paragraph 18

24. Ms. SABATER de MACARRULLA (Dominican Republic) said that there had indeed been large-scale emigration of Dominicans, often in tragic circumstances. Job creation was in her view the only way to stem the outflow of skilled workers. For that reason the number of free trade zones had been increased in border regions to generate employment. Other measures had also been taken to stimulate investment and encourage the establishment of small businesses. Interest rates had been brought down to 12 per cent and the banks could grant loans without collateral. At the social level, the aim was to improve living conditions and offer better protection. In that regard, the Government was working on a social security bill to be put before Parliament.

25. Mrs. JIMENEZ BUTRAGUEÑO and Mr. ANTANOVICH said that they would like to have a copy of the bill.

26. Ms. SABATER de MACARRULLA (Dominican Republic), explaining that the text was not yet ready, indicated that both workers and employers had been involved in its drafting.

27. Mr. ANTANOVICH, reverting to the last sentence of paragraph 18, said that the budgetary measures taken in the field of education could certainly

contribute to stemming the outflow of skilled workers, but they were not enough in themselves. He would like to know precisely what measures had been taken in the socio-economic field to slow the pace of emigration.

28. Ms. SABATER de MACARRULLA (Dominican Republic) said that, in the field of education, the essential aim was to provide training that corresponded to the jobs available in the labour market. At the legislative level, the Labour Code offered legal safeguards to all workers, who could avail themselves of the services of legal advisers.

29. Mr. LANDOLFI (Dominican Republic) said that in a democracy everyone was free to go wherever he pleased. The emigration of skilled workers was a personal decision that one could do nothing to prevent.

30. Mr. ADEKUOYE remarked that the outflow was an awkward problem facing all developing countries close to the United States, which attracted many emigrant workers like a magnet. Without economic reform and political stability, it was difficult to curb emigration.

31. Ms. SABATER de MACARRULLA (Dominican Republic) said that creating jobs was the only way to prevent the brain drain, since it was insecurity and instability that forced people to leave. The economic measures taken to curb emigration had to be coupled with legislative measures, including provisions for social security. Since the increase in teachers' salaries, fewer members of that profession were seeking to leave. The Dominican Republic was, however, a small country with enormous needs, and it could not do everything at once.

Paragraphs 19 and 20

32. Mr. LANDOLFI (Dominican Republic) said that there were still some breaches of workers' rights but the Ministry of Labour had vigorously combated that phenomenon, so that no foreign-owned company, and still less a Dominican company, could now violate workers' rights with impunity. In that regard, the Penal Code set very heavy penalties.

33. Turning to paragraph 20, he acknowledged that the penitentiary system was archaic, but pointed out that more modern prisons had been built. Some prisons now had sports grounds and offered training courses, and other changes were to be introduced later. Prisoners could, moreover, demand to be treated in accordance with the provisions of the Covenant.

34. Mr. TEXIER said that the members of the mission sent by the Committee to the Dominican Republic had met the leaders of the main trade union organizations, as well as the Minister of Labour. The trade unionists had indicated that union rights in the free trade zones had not been respected as well as elsewhere. Working conditions in those zones were hard, particularly for women. The members of the mission had conveyed those concerns to the Minister of Labour, who had not denied that some problems existed. What was the current situation and were there still complaints from the trade unions?

35. Mr. AHMED recalled that, at its previous session, the Committee had been informed that the owners of the free zones were not encouraging workers to

join unions and recruited only non-unionized labour, so that they would not have to apply the provisions of the Covenant. Concerning paragraph 20, the reply provided by the delegation was only a general statement. He would like clear answers to some specific questions: was it true that the penal system allowed members of the family of an accused person who ran away to be imprisoned without trial as a guarantee? Were prisoners supposed to buy their own meals?

36. Ms. SABATER de MACARRULLA (Dominican Republic) said that the imprisonment of members of the family of an accused person on the run was a practice belonging to a bygone age when penal institutions had been more like old people's homes than prisons. The President of the Republic, a lawyer by training, wanted to see the penal system reformed. In addition to the building of new prisons and the modernization of existing establishments, improvements had been made in regard to the nutrition of prisoners, their conditions of detention and visits. The reform was being undertaken jointly by the public authorities and civil society.

37. Replying to Mr. Ahmed's second question, she said that prisoners were not required to pay for their meals, either at the weekends or during the week.

38. Mr. ADEKUOYE said that, according to the International Labour Organization (ILO) Committee of Experts, trade union federations had to obtain a two-thirds majority in order to be entitled to form confederations. That was an excessive requirement. Had the Government of the Dominican Republic taken steps to amend that legislation?

39. The CHAIRPERSON inquired about the rate of unionization in the free trade zones.

40. Mr. LANDOLFI (Dominican Republic) said that unionization in the free trade zones was a difficult problem, not because the workers were not supported by the authorities, but rather because of the obstinacy of foreign entrepreneurs, who had introduced methods previously unknown to the subregion. He was regrettably unable to answer Mr. Adekuoye's question in specific terms, and could only point out that there were many trade unions in his country and more were being set up every day. Furthermore, the legislature alone could amend the laws, the executive branch being empowered only to submit bills.

Paragraph 21

41. Ms. SABATER de MACARRULLA (Dominican Republic) said that the Government had never promoted sex tourism and was endeavouring to combat that phenomenon. The authorities had on various occasions deported foreign nationals engaging in such of tourism. In cooperation with the private sector, moreover, they had launched an extensive campaign abroad to promote ecological and cultural tourism. Concerning AIDS, the Government had organized national education campaigns.

42. Mr. GRISSA, observing that the problem of AIDS could not be reduced to its sexual dimension and that the Caribbean was a crossroads for drug trafficking, asked about the situation in the Dominican Republic in that regard.

43. Ms. SABATER de MACARRULLA (Dominican Republic) said that the authorities were waging an unrelenting battle against drug trafficking, as attested by the quantities of drugs seized daily. Those efforts were being pursued in agreement with the international institutions, since it was a problem that the Dominican Republic could not resolve alone. Lastly, the courts were fully engaged in that fight and handed down severe sentences.

44. Mr. ANTANOVICH said he would like to have statistics on AIDS making comparisons with other Latin American countries, and asked whether the steps taken by the Government to eliminate sex tourism had led to any appreciable reduction in the spread of the virus.

45. Mr. TEXIER and Mr. WIMER said they had noted during their visit to the Dominican Republic that the AIDS prevention campaigns had been very discreet and had not underlined the need to use contraceptives. It would be interesting to know what position was taken by the Church on propaganda to combat AIDS.

46. Mr. RIEDEL said that he would welcome more information about the economic, social and cultural aspects of AIDS. In particular, he would like to know whether people with AIDS received appropriate treatment in the hospitals, whether there was any segregation and what proportion of patients were treated in hospitals not only in the capital but also in other tourist locations.

47. Ms. SABATER de MACARRULLA (Dominican Republic) said that while the people of the Dominican Republic were very Catholic and the Church played an important role in the country, that did not seem to her to be having any particular impact on the form of propaganda to combat AIDS. The problem was a cultural one and could be resolved only gradually, through education. For that reason the Government was attaching great importance to sex education courses, which were dispensed from the first years of schooling.

48. Mr. LANDOLFI (Dominican Republic) said that it was difficult to compare the fluctuating statistics on the spread of AIDS. While there appeared to be an increase in the number of people with AIDS in tourist countries, particularly in the tropics, it was impossible to obtain an exact figure because the majority of cases had not yet been detected and the people concerned did not inform the authorities of their condition. In that regard, he regretted that the World Health Organization had not acted on the proposal to create an international health certificate.

Paragraph 22

49. Ms. SABATER de MACARRULLA (Dominican Republic) said that women were well-organized, both in the cities and in the countryside, and were exercising their rights. The fact that their situation had improved was due less to the measures taken by the various Governments than to the battle they themselves

had been waging. Women had, in particular, obtained the right to benefit from the agrarian reform, the right to housing, the right to obtain credit quite freely and the right to medical insurance. They were well-represented in the universities and schools. Now they were endeavouring to make progress in the political field. A bill had been introduced with a view to improving the participation of women in elective office and political posts. Numerous laws had been revised. Women could lodge complaints about violations of their rights before the courts and could be assisted by a lawyer. The Government was encouraging the women's struggle. It had launched a campaign against the ill-treatment of which they were victims. Women's Rights Day was celebrated, and machismo was beginning to disappear, especially among younger men.

50. Mrs. BONOAN-DANDAN and Mr. RIEDEL said that they would like the delegation to elaborate on the measures taken by the Government and provide specific answers to the questions listed in paragraph 22 of the preliminary concluding observations.

51. Mr. TEXIER said the creation of a Directorate-General for the Advancement of Women was a positive measure and its eventual transformation into a ministry or office of secretary of State would represent a further step forward. He wished, moreover, to draw attention to the situation of Haitian women in the Dominican Republic, which was more difficult than that of other women. Haitian women were not recognized by the authorities and often had to engage in prostitution.

52. Mr. WIMER observed that there were also prostitutes from the Dominican Republic in Haiti who did not have the means to return to their own country and who had no protection either from the Government of the Dominican Republic or from the Haitian Government.

53. Mr. GRISSA asked whether working women had the right to dispose of their own income freely or whether they required their husbands' permission to do so.

54. Mrs. JIMENEZ BUTRAGUEÑO said that she would also like to know whether women needed the permission of their husbands to exercise an occupation and whether the law treated women differently from men in civil, penal and family matters.

55. Mr. LANDOLFI (Dominican Republic) replied that the law, now fully amended, proclaimed the equality of men and women. The administration of a wife's property, resources and wages by the husband was a universal reality. However, the Constitution embodied the principle of "family property", which was intended to protect the family. The lawmaker considered marriage to be the legal bond par excellence for the couple. If that bond was dissolved, the property was then divided equally between the spouses. The liberation of women was a reality in the Dominican Republic, but women used that freedom with exceptional talent. The well-known machismo was most often associated with lack of education and ignorance.

56. The law reforms went much further than might be supposed. Act No. 24/97 on violence within the family completely prohibited and severely punished any form of violence, whether by the father or by the husband. Social progress

went even further in that respect: the Directorate-General for the Advancement of Women had concluded inter-agency agreements to ensure female representation in almost all sectors of public life. The list of legal rights acquired by women was too long to enumerate, although it was true that there was still much to do in that regard. The Dominican Republic was endeavouring to achieve an acceptable degree of progress in the economic, social and cultural fields, not only for women, but also for men, for the family and for society in general.

57. Mr. GRISSA challenged the statement that control by the husband over his wife's property was a universal reality. Furthermore, the delegation of the Dominican Republic had not answered the question whether women were free to dispose as they saw fit of the proceeds of their labour or whether it was the husband who took the decisions in that regard.

58. Mrs. JIMENEZ BUTRAGUEÑO said that control by the husband over his wife's property was not a universal reality. In Spain, for example, the situation had evolved greatly in a quarter of a century. Women were now free to open a bank account, to authorize their children to travel, and so on. What was the situation in the Dominican Republic? Did women need permission to take up employment? Was there a difference in treatment in law between men and women?

59. Mr. AHMED also noted that the question regarding the status of married women had not been answered, and inquired whether women in general were entitled to have their own identity cards (cedulas) or whether they could use only the family identity card. Possession of such a document was essential for many purposes.

60. Mrs. BONOAN-DANDAN pointed out that the Government of the Dominican Republic was required to guarantee the economic, social and cultural rights of women, who, as it acknowledged, were victims of violations of those rights. It was more than time for that obligation to become a reality.

61. Mr. ADEKUOYE, referring also to the question of equality between men and women, asked whether a divorced man was bound to support his family.

62. Ms. SABATER de MACARRULLA (Dominican Republic) replied that single women heads of household could certainly benefit from the agrarian reform and the Government's housing programme, and were even given priority. They also had the right to become homeowners. As to the administrative machinery allowing women to file complaints in cases of discrimination by the Dominican Agrarian Institute, women had the same rights as men and therefore could likewise appeal to any competent body. Regarding the measures taken by the Government to protect female workers against discrimination or arbitrary dismissal related to pregnancy, including measures to prevent employers from demanding pregnancy tests, the Labour Code guaranteed women the right to work and provided for three months' maternity leave, which could be taken in full after childbirth, if the woman so wished. Abuses in that regard, encountered mainly in the private sector, were on the decline. The Government was also taking steps to reduce the maternal mortality rate, which was excessively high despite the high rate of hospital births. The Ministry of Health, headed by a woman doctor, was taking the appropriate measures, and some results should be perceptible in 1998. As to common law marriages and the woman's loss of her

entitlements in cases of separation, abandonment or the death of the male head of household, the insurance companies increasingly recognized the rights of the concubine, provided however that there was no legitimate spouse. The Council for Women was also taking action in that direction.

63. A woman could open an account and manage it within the context of marriage. Identity cards were compulsory for all nationals aged over 18 years, including women, whether they were married, widowed or divorced. Until fairly recently, the husband's permission had been required to obtain an identity card, but the law had changed and that was no longer the case. In readers for children, the discriminatory stereotypes concerning women were gradually being eliminated. Machismo still existed, of course, but it was gradually losing ground. The Government supported all initiatives aimed at enhancing the status of women, and the National Council for Women was preparing new draft legislation to that end. There was certainly still a long way to go to achieve equality between men and women, but real progress had been made. There remained the major problem of prostitution of Dominican women in Haiti and vice versa, a problem that had to be solved through cooperation between the two countries.

Paragraph 23

64. Ms. SABATER de MACARRULLA (Dominican Republic) said that special courts were now being set up by the Government to address the problem of violence against women and children.

65. Mr. RATTRAY, supported by Mrs. BONOAN-DANDAN, inquired about the nature of those courts. Did they deal only with domestic violence or violence against women, or did they have broader powers?

66. Ms. SABATER de MACARRULLA (Dominican Republic) explained that the special courts were concerned with violence against women and children. They were in the process of being established and not all of them were operational as yet.

Paragraph 24

67. Mr. TOCA SIMÓ (Dominican Republic), turning to the question of difficult access to safe drinking water for the rural population and people living in deprived urban areas, said it was true that the facilities were still inadequate, but considerable efforts were being made in that regard. For example, all the plans designed to enhance the quality of life in the community included the supply of drinking water considering its great importance for public health. In rural areas, efforts were being made to build aqueducts, but many inhabitants of those areas still did not have access to drinking water. It was planned to allocate 4,176 million pesos over four years, divided between 11 different programmes, to build 65,000 modern dwelling units.

Paragraph 25

68. Mr. TEXIER said he would like to know what had been done and what still remained to be done in the Dominican Republic to guarantee the right to housing.

69. Ms. SABATER de MACARRULLA (Dominican Republic) replied that her Government had been paying great attention to the matter, completing all the housing projects started under previous Governments, but the most positive aspect of its action to promote neighbourhood development was the close cooperation that had been established, contrary to previous practice, with the community, non-governmental organizations and civil society, which had met before but had not worked together. About 40 neighbourhood development plans had been instituted with the participation of the communities concerned, which had themselves set the priorities, generally calling for more schools and improved sanitation. Such cooperation had considerably motivated the people, who had responded very positively. The Government had also approved a project for environmental, human and social restructuring of neighbourhoods, with 800 million pesos being allocated for their development over a period of 23 months. It was now out of the question to evict residents from those neighbourhoods, unless they could be found better accommodation: 13,800 families living in dangerous conditions on the banks of a river were, therefore, about to be rehoused. Two commissions had also been appointed - a presidential commission, entrusted with defining the priorities for the development of such neighbourhoods, and a provincial commission, which was concerned with the housing situation in the country's 23 provinces. In that regard, the report of the mission of experts which had visited the Dominican Republic from 11 to 26 September 1997 correctly reflected the situation in the country.

The meeting rose at 6.05 p.m.